

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JESSICA ROGERS,

Plaintiff,

v.

**TARRANT COUNTY COLLEGE
DISTRICT,**

Defendant.

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Civil Action No. **3:24-CV-859-L**

ORDER

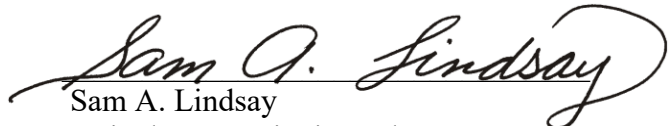
Before the court are Defendant's Motion to Dismiss for Failure to State a Claim (Doc. 10); Plaintiff's Amended Motion for leave to File Second Amended Complaint (Doc. 18); and Defendant's Motion for Leave to File Defendant's Response to Plaintiff's Renewed Motion for Leave to File Second Amended Complaint (Doc. 21).

Plaintiff's and Defendant's Motions for Leave (Docs. 18 and 21) were both filed after each party's counsel missed response deadlines for the pending motions. Counsel for both sides needs to more carefully track and adhere to deadlines in this case because their failure to do so has resulted in motions for leave like the ones filed by both parties that unnecessarily delay the resolution of the litigation and consume scarce judicial resources. As both sides have contributed to the delay in resolving the pending motions, the court determines that it is only fair to grant both parties' Motions for Leave notwithstanding Defendant's assertion that Plaintiff has caused undue delay and prejudice in filing a second Motion for Leave to cure deficiencies in a prior request for leave to amend. Proceeding in this manner will also avoid further unnecessary delay caused by the parties' Motions for Leave and their failure to timely respond to pending motions. The court also notes that, while Defendant's proposed response opposes Plaintiff's request to amend her pleadings for futility reasons, it determines that this argument would be better left for resolution

in an amended motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) or, if necessary, summary judgment. Additionally, the court determines that neither side will suffer legal prejudice as a result of the court's decision to grant both side's Motions for Leave.

Accordingly, the court **grants** Plaintiff's and Defendant's Motions for Leave (Docs. 18, 21); **denies as moot** Defendant's Motion to Dismiss; and **directs** the clerk of court to file as a separate document/entry on the docket sheet Plaintiff's proposed Second Amended Complaint (Doc. 19-1) as of the date of this order. The deadline for any motion to dismiss the claims in Plaintiff's Second Amended Complaint shall run from the date of this order.

It is so ordered this 21st day of February, 2025.


Sam A. Lindsay
United States District Judge